

106TH CONGRESS  
1ST SESSION

# S. 1440

To promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 1999

Mr. GRAMM (for himself, Mr. LOTT, and Mr. McCONNELL) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “New Workers for Eco-  
5       nomic Growth Act”.

# 1    **TITLE I—H-1B NONIMMIGRANT** 2                                    **WORKERS**

## 3    **SEC. 101. AUTHORIZED ADMISSIONS OF H-1B WORKERS.**

4            (a) ANNUAL LIMITATIONS.—Section 214(g)(1)(A) of  
5 the Immigration and Nationality Act (8 U.S.C.  
6 1184(g)(1)(A), is amended by striking clauses (iii)  
7 through (v) and inserting the following:

8                                    “(iii) with respect to all such aliens  
9                                    other than aliens described in paragraph  
10                                   (5)—

11                                   “(I) 200,000 for each of the fis-  
12                                   cal years 2000, 2001, and 2002; and

13                                   “(II) 65,000 for each succeeding  
14                                   fiscal year.”.

15            (b) EXEMPTION FROM ANNUAL LIMITATION.—Sec-  
16 tion 214(g) of the Immigration and Nationality Act (8  
17 U.S.C. 1184(g)), is amended by adding at the end the fol-  
18 lowing new paragraph:

19            “(5) The numerical limitations contained in para-  
20 graph (1)(A)(iii) shall not apply to any nonimmigrant  
21 alien admitted under section 101(a)(15)(H)(i)(b) who—

22                                   “(A) has attained a master’s degree or higher  
23                                   degree (or its equivalent) in a specialty related to  
24                                   the intended employment and receives wages (includ-

1       ing cash bonuses and similar compensation) at an  
 2       annual rate equal to at least \$60,000; or

3               “(B) has attained a bachelor’s degree or higher  
 4       degree (or its equivalent) and is employed (or has  
 5       received an offer of employment) at an institution of  
 6       higher education (as defined in section 101(a) of the  
 7       Higher Education Act of 1965 (20 U.S.C.  
 8       1001(a))).”.

9       (c) EXEMPTION FROM ATTESTATION REQUIRE-  
 10   MENTS.—Section 212(n)(3)(B) of the Immigration and  
 11   Nationality Act (8 U.S.C. 1182(n)(3)(B)) is amended by  
 12   adding the following:

13               “(III) has attained a bachelor’s  
 14       degree or higher degree (or its equiva-  
 15       lent) and is employed (or has received  
 16       an offer of employment) at an institu-  
 17       tion of higher education (as defined in  
 18       section 101(a) of the Higher Edu-  
 19       cation Act of 1965 (20 U.S.C.  
 20       1001(a))).”.

1 **TITLE II—ELIMINATION OF**  
2 **EARNINGS PENALTY ON SEN-**  
3 **IOR CITIZENS**

4 **SEC. 201. ELIMINATION OF EARNINGS PENALTY ON SENIOR**  
5 **CITIZENS WHO CONTINUE TO WORK AFTER**  
6 **REACHING RETIREMENT AGE.**

7 (a) IN GENERAL.—Section 203 of the Social Security  
8 Act (42 U.S.C. 403) is amended—

9 (1) in subsection (c)(1), by striking “the age of  
10 seventy” and inserting “retirement age (as defined  
11 in section 216(l))”;

12 (2) in paragraphs (1)(A) and (2) of subsection  
13 (d), by striking “the age of seventy” each place it  
14 appears and inserting “retirement age (as defined in  
15 section 216(l))”;

16 (3) in subsection (f)(1)(B), by striking “was  
17 age seventy or over” and inserting “was at or above  
18 retirement age (as defined in section 216(l))”;

19 (4) in subsection (f)(3)—

20 (A) by striking “33⅓ percent” and all  
21 that follows through “any other individual,”  
22 and inserting “50 percent of such individual’s  
23 earnings for such year in excess of the product  
24 of the exempt amount as determined under  
25 paragraph (8),”; and

1 (B) by striking “age 70” and inserting  
 2 “retirement age (as defined in section 216(l))”;  
 3 (5) in subsection (h)(1)(A), by striking “age  
 4 70” each place it appears and inserting “retirement  
 5 age (as defined in section 216(l))”; and

6 (6) in subsection (j)—

7 (A) in the heading, by striking “Age Sev-  
 8 enty” and inserting “Retirement Age”; and

9 (B) by striking “seventy years of age” and  
 10 inserting “having attained retirement age (as  
 11 defined in section 216(l))”.

12 (b) CONFORMING AMENDMENTS ELIMINATING THE  
 13 SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE  
 14 ATTAINED RETIREMENT AGE.—

15 (1) UNIFORM EXEMPT AMOUNT.—Section  
 16 203(f)(8)(A) of the Social Security Act (42 U.S.C.  
 17 403(f)(8)(A)) is amended by striking “the new ex-  
 18 empt amounts (separately stated for individuals de-  
 19 scribed in subparagraph (D) and for other individ-  
 20 uals) which are to be applicable” and inserting “a  
 21 new exempt amount which shall be applicable”.

22 (2) CONFORMING AMENDMENTS.—Section  
 23 203(f)(8)(B) of such Act (42 U.S.C. 403(f)(8)(B))  
 24 is amended—

(A) in the matter preceding clause (i), by striking “Except” and all that follows through “whichever” and inserting “The exempt amount which is applicable for each month of a particular taxable year shall be whichever”;

(B) in clauses (i) and (ii), by striking “corresponding” each place it appears; and

(C) in the last sentence, by striking “an exempt amount” and inserting “the exempt amount”.

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act (42 U.S.C. 403(f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking “nor shall any deduction” and all that follows and inserting “nor shall any deduction be made under this subsection from any widow’s or widower’s insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became enti-

1           tled to such benefit prior to attaining age 60.”;  
2           and

3                   (B) in subsection (f)(1), by striking sub-  
4           paragraph (D) and inserting the following: “(D)  
5           for which such individual is entitled to widow’s  
6           or widower’s insurance benefits if such indi-  
7           vidual became so entitled prior to attaining age  
8           60,”.

9           (2) CONFORMING AMENDMENT TO PROVISIONS  
10          FOR DETERMINING AMOUNT OF INCREASE ON AC-  
11          COUNT OF DELAYED RETIREMENT.—Section  
12          202(w)(2)(B)(ii) of such Act (42 U.S.C.  
13          402(w)(2)(B)(ii)) is amended—

14                   (A) by striking “either”; and

15                   (B) by striking “or suffered deductions  
16          under section 203(b) or 203(c) in amounts  
17          equal to the amount of such benefit”.

18          (3) PROVISIONS RELATING TO EARNINGS  
19          TAKEN INTO ACCOUNT IN DETERMINING SUBSTAN-  
20          TIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—  
21          The second sentence of section 223(d)(4) of such  
22          Act (42 U.S.C. 423(d)(4)) is amended by striking  
23          “if section 102 of the Senior Citizens’ Right to  
24          Work Act of 1996 had not been enacted” and insert-  
25          ing the following: “if the amendments to section 203

1       made by section 102 of the Senior Citizens' Right to  
2       Work Act of 1996 and by the \_\_\_\_\_  
3       Act of 1999 had not been enacted”.

4       (d) EFFECTIVE DATE.—The amendments and re-  
5       peals made by this section shall apply with respect to tax-  
6       able years beginning after December 31, 1999.

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